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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,618	10/14/2003	Anthony J. Van Zeeland	Dura 118	1831
29607	7590	10/18/2004	EXAMINER	
DURASWITCH 234 S. EXTENSION SEC. 103 MESA, AZ 85210			DONOVAN, LINCOLN D	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,618

Applicant(s)

VAN ZEELAND ET AL.

Examiner

Lincoln Donovan

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 9-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claimed invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07-26-04.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 4-5, it is not clear what structure is intended by the flexible layer "characterized by at least one flexible armature."

Regarding claim 8, line 3, it is not clear what limitation is intended by "properly positioned."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisem [US 4,513,271] in view of Kobayashi [US 5,243,162].

Regarding claims 1-2 and 8, Reisem discloses an electrical switch [10] comprising:

- a magnetic coupler layer [14], with a top and bottom surface, having at least one opening [14, 16];
- a magnetic flexible layer [18], with a top and bottom surface, having a flexible armature portion [figure 4] arranged such that there is a magnetic attractive force between the magnetic coupler layer and the at least one flexible armature such that the bottom surface of the magnetic coupler layer is normally magnetically coupled to the at least one armature portion;
- at least one actuation member [20] formed on and extending from the at least one armature portion;
- a bottom layer [42, 48] aligned with the coupling layer; and
- electrical conductors [24, 26, 34, 36] capable of switching between an electrically opened and an electrically closed position when the switch user manipulates the at least one flexible armature.

Reisem disclose everything claimed except a spacer being formed on the magnetic layer so that the bottom surface of the magnetic flexible layer is substantially supported about the bottom layer to create at least one armature cavity for the at least one flexible armature portion.

Kobayashi discloses a membrane switch [figure 1] having first and second switching layers separated by a spacer means [5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a spacer on the armature portion of Reism, as suggested by Kobayashi, in order to provide switch contact separation.

Regarding claim 3, Reism, as modified, disclose everything claimed except markings being provided on the actuator portion.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include markings of the switch actuator in order to provide an indication of the switch function.

Regarding claims 4 and 6, Reism, as modified, disclose everything claimed except the particular bias state of the switch.

The particular bias state of the switch would have been an obvious design consideration based on the desired default function of the switch.

Regarding claim 7, Reism, as modified, disclose everything claimed except the switch being a membrane type switch.

Kobayashi discloses the use of switch contacts in a membrane type switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the membrane design of Kobayashi for the switch of Reism, as modified, for the purpose of reducing the size of the switch.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lincoln Donovan whose telephone number is 571-272-1988. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ldd


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